

Message Text

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SUBJ: 29TH SESSION SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES 12 AUG - 1 SEPT.

ITEM 8 - QUESTION OF VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS

SUMMARY: ITEM 8 WAS CONSIDERED DURING DAY OF AUG 19 AND
CONCLUDED A.M. AUG 20. WEO MEMBERS OF SUB-COMMISSION (SC)
CITED SOUTH AFRICA, RHODESIA, LEBANON, UGANDA, CHILE, ARGENTINA,
BRZIL, PARAGUAY, URUGUAY, THE WESTERN SAHARA, THE GERMAN
DEMOCRATIC REPUBLIC (GDR) AND THE USSR AS COUNTRIES VIOLATING
HUMAN RIGHTS. WEO'S RECOMMENDED THAT HUMAN RIGHTS COMMISSION
SET UP ADDITIONAL AD HOC WORKING GROUPS (WG) TO INVESTIGATE THESE
"CHILE-TYPE" CASES. A MAJORITY OF THE SC CONCURRED WITH PROPOSAL.
ONE EXCEPTION (SMIRNOV, USSR) RECOMMENDED THAT NO NEW WG
BE ESTABLISHED AND SC RELY ON GETTING MORE EFFECTIVE RESULTS FROM
EXISTING UN BODIES.
A PROPOSAL TO GIVE LEGAL AID TO VICTIMS OF HR VIOLATIONS IN
ARGENTINA WAS MADE AND SUPPORTED BY SEVERAL SC MEMBERS.
END SUMMARY.

1. FOLLOWING SCHREIBER INTRODUCTION OF ITEM 8, VAN BOVEN
(NETHERLANDS) INITIATED DEBATE STATING THAT HR VIOLATIONS WERE
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TALKED ABOUT IN ISOLATION AND IN THE UN THERE WAS A FAILURE OF

REAL DIALOGUE ON THE ISSUE. SYMPTOMS WERE DEALT WITH RATHER THAN ROOT CAUSES WHICH CREATE UNJUST SOCIAL STRUCTURES. FURTHERMORE, IN EFFORTS TO PREVENT INVESTIGATION COUNTRIES, WHEN CHALLENGED ABOUT VIOLATING HUMAN RIGHTS, PUT FORTH EXCUSES I.E. INTERFERENCE IN INTERNAL AFFAIRS; CONTEND THEY ARE BEING SLANDERED OR SAY THEY ARE BEING SINGLED OUT AND A DOUBLE STANDARD IS USED. EXPRESSING CONCERN ABOUT RECENT DEVELOPMENTS IN SOUTH AFRICA WHERE DEMONSTRATING STUDENTS HAVE BEEN KILLED; RHODESIA RAIDS INTO MOZAMBIQUE; BEIRUT, UGANDA, CHILE AND ARGENTINA SPEAKER SUGGESTED THAT SC MAKE RECOMMENDATIONS FOR INVESTIGATIONS.

2. VAN BOVEN SAID ACCORDING TO HIS SOURCES THE SECRET POLICE IN ARGENTINA, PARAGUAY, URUGUAY, CHILE AND BOLIVIA COORDINATE THEIR EFFORTS TO REPRESS POLITICAL REFUGEES IN ARGENTINA. MEMBER CONCLUDED BY RECOMMENDING THAT LEGAL AID BE GIVEN TO THE VICTIMS AND THEIR RELATIVES THROUGH THE UN.

3. VAN BOVEN'S PROPOSAL WAS SUPPORTED BY ALL WEO MEMBERS. QUESTEAUX (FRANCE) SAID LEGAL WEAPON COULD BE EFFECTIVE AND CONCRETE ASSISTANCE SHOULD BE GIVEN CONSIDERATION. WHITAKER (UK) NOTED ONLY EFFECTIVE ADVANCES MADE BY UN IN CURTAILING HR VIOLATIONS WAS IN CHILE. EXPRESSED BELIEF THAT THIS WAS BECAUSE SITUATION HAD BEEN DEALT WITH OPENLY, WITH A MINIMUM OF CONFIDENTIALITY. HE RECOMMENDED THAT SC ESTABLISH MORE WG'S TO INVESTIGATE "CHILE-TYPE" HR VIOLATIONS IN RHODESIA, ARGENTINA, BRAZIL, PARAGUAY, URUGUAY AND THE WESTERN SAHARA. WITAKER SAID THAT ALTHOUGH THE GDR HAD RATIFIED THE HELSINKI DOCTRINE THE COUNTRY HAS PLACED IN PSYCHIATRIC HOSPITALS ALL PERSONS WANTING TO LEAVE. BECAUSE OF THIS AS WELL AS RECENT MURDERS ON THE BORDER, WHITAKER ASKED THAT THE GDR BE INVESTIGATED. ALSO AN INVESTIGATION OF THE USSR FOR DESTROYING LETTERS CONCERNED WITH HR. NOTING THAT WOMEN ARE DISCRIMINATED AGAINST, SPEAKER SAID THE SITUATION REQUIRED STUDY. COMMENTING ON THE US CONGRESSIONAL AMENDMENT REGARDING HR, WHITAKER SUGGEST THAT OTHER COUNTRIES MIGHT USE THIS KIND OF PRESSURE TO HELP ERADICATE HR VIOLATIONS.

4. CASSESE (TALY) RECOMMENDED THAT STUDY OF CHILE SHOULD LIMITED OFFICIAL USE

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BE ENLARGED TO COVER ALL SOUTHERN CONE COUNTRIES. THIS WOULD AVOID CREATING NEW WG.

5. AMB CARTER (US) INTERVENED SAYING HE WANTED TO ASSOCIATE HIMSELF WITH MEMBERS OF THE SC WHO NAMED NAMES (OF COUNTRIES VIOLATING HR). HE COMMENTED THAT OVER THE YEARS SERIOUS DEBATE ON THIS PARTICULAR AGENDA ITEM HAD BEEN AVOIDED.

6. BOUHDIBA (TUNISIS) IN SUPPORT OF AUSTRIAN (NETTEL) MEMBER'S PROPOSAL TO INVESTIGATE LEBANON SAID SITUATION EXISTED BECAUSE PALESTINIANS HAVE NO HOMELAND AND THEIR POLITICAL ORGANIZING PROVED A THREAT TO HOST GOVERNMENT. BOUDIBA ALSO SUPPORTED INVESTIGATION OF WESTERN SAHARA AND ESTABLISHING AN ORGAN FOR LEGAL AID.

7. SMIRNOV MAINTAINED THAT APARTHEID EXISTED BECAUSE CERTAIN MEMBER STATES HELP BUILD SOUTH AFRICAN ECONOMY. HE REQUESTED THAT THE NEW HUMAN RIGHTS COMMITTEE INVESTIGATE THESE KINDS OF VIOLATIONS AND PUT AN END TO THEM. SMIRNOV ALSO RAISED QUESTION REGARDING RESES 1503 AND 1235 IN RELATION TO SC PROCEDURES ASKING WHICH WOULD BE USED IF PROPOSALS FOR NEW INVESTIGATION WERE IMPLEMENTED. HE CONTENDED THAT SC SHOULD RELY ON GETTING EFFECTIVENESS OUT OF EXISTING UN BODIES AND NOT CREATE NEW WG.

8. BOTH ARGENTINE AND CHILE OBSERVERS SPOKE IN REPLY TO COMMENTS MADE ABOUT THEIR RESPECTIVE COUNTRIES. ARGENTINA IN A SHORT STATEMENT DENIED ALL ALLEGATIONS.

9. CHILE OBSERVER SAID MAXIMUM EFFORTS ARE BEING MADE TO RETURN TO NORMALCY. HE EXPLAINED THAT STATE OF EMERGENCY DECLARED IN 1973 BECAUSE COUNTRY WAS ON THE VERGE OF CIVIL WAR. NOTED THAT 99 PERCENT OF THE PEOPLE WERE BEARING ARMS. OBSERVER CONCLUDED BY SAYING CHILE WOULD PARTICIPATE IN ANY INTERNATIONAL DEBATES ON THIS ISSUE AS IT RELATES TO CHILE.

10. FOLLOWING 40 MINUTE INTERVENTION BY GANJI (IRAN) WHO ATTACKED MEMBERS WHO PUBLICLY CITED COUNTRIES FOR HR VIOLATIONS, CHAIRMAN MARTINEZ COBO NOTED THERE WAS A DIFFERENCE OF OPINION REGARDING PROCEDURE AS PRESENTED IN RESES 823 AND 1235. LIMITED OFFICIAL USE

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HE SAID IF ACTIONS RECOMMENDED DURING DEBATE OF THIS ITEM WERE TAKEN THE SC MIGHT BE EXCEEDING ITS TERMS OF REFERENCE. CHAIRMAN REQUESTED THAT THIS MATTER BE CLARIFIED. CATTO

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